

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**STAN MOORE, :
Plaintiff, :
v. : CIVIL ACTION NO. 04-00797-CG-B
WARDEN JERRY FERRELL, et al., :
Defendants. :**

ORDER

This cause is before the court on plaintiff's objection the Magistrate Judge's Report and Recommendation (Doc. 32-1), in which the Magistrate recommended that defendant's motion for summary judgment be granted and that this action be dismissed with prejudice. (Doc. 31). Plaintiff contends that he informed prison officials that "some inmates was [sic] plotting to attack him," and that prison officials "knew of reckless indangerment [sic] happening at this facility due to past stabbings and fights in this facility." (Doc. 32-1 at 2, 3). Plaintiff's pleadings, however, fail to provide any evidence to support plaintiff's contentions in his objection to the Report and Recommendation that plaintiff notified prison officials about any particular threat to him or that prison officials possessed knowledge of an excessive risk of inmate-on-inmate violence. Instead, plaintiff casts a smattering of conclusory allegations to suggest that the prison officials should have known that plaintiff would be attacked. (See, e.g., Doc. 1, p.3, ¶¶ 15, 18, 20, 22, 24, 26, 28 , 30 , 32). In addition, plaintiff provides that "[f]ights or attacks often occur in the rear of dorms without being reported." (Id. at 3, ¶ 14). Unreported incidents are insufficient for this court to conclude that the conditions under which plaintiff was incarcerated presented "a substantial risk of serious harm." Farmer v. Brennan, 511 U.S. 825, 834 (1994).

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Recommendation to which objection is made, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this court. Therefore, the defendants' motion for summary judgment is hereby **GRANTED**.

DONE and ORDERED this 17th day of August, 2006.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE